

ESTTA Tracking number: **ESTTA272465**

Filing date: **03/17/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Renee Shatanoff		
Entity	Individual	Citizenship	UNITED STATES
Address	13636 Ventura Blvd. Suite #220 Sherman Oaks, CA 91423 UNITED STATES		

Attorney information	Louis F. Teran Strategic Legal Counseling 1055 East Colorado Blvd. Suite #500 Pasadena, CA 91106 UNITED STATES lteran@strategiclegalcounseling.com Phone:818-484-3217 x200
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Registration Subject to Cancellation

Registration No	3468426	Registration date	07/15/2008
Registrant	Executive Development Architects LLC 1317 So. Vine Street Denver, CO 80210 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2004/02/06 First Use In Commerce: 2004/02/06 All goods and services in the class are cancelled, namely: Business consulting services

Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	Identification of services is overly broad.

Attachments	Petition for Cancellation of IGNITING BUSINESS - FINAL.pdf (18 pages) (645943 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Louis F. Teran/
Name	Louis F. Teran

Date	03/17/2009
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Trademark Registration No.: 3,468,426
For the Mark: **IGNITING BUSINESS**
Date of Registration: July 15, 2008

RENEE SHATANOFF,

Petitioner,

vs.

EXECUTIVE DEVELOPMENT ARCHITECTS LLC

Registrant.

Cancellation No. _____

Trademark Trial and Appeal Board
Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

PETITION FOR PARTIAL CANCELLATION

RENEE SHATANOFF (hereinafter “Petitioner”), a California resident with a principal place of business at 13636 Ventura Blvd., Suite #220, Sherman Oaks, California 91423, believes that it will be damaged by U.S. Registration No. 3,468,426, issued July 15, 2008, for the mark **IGNITING BUSINESS** in Class 035, registered to EXECUTIVE DEVELOPMENT ARCHITECTS LLC (hereinafter “Registrant”), an LLC duly organized and existing under the laws of the State of Colorado, with a principal place of business at 1317 So. Vine Street, Denver, Colorado 80210, and hereby petitions for a partial cancellation of the same.

As grounds in support of its petition for partial cancellation, Petitioner asserts as follows:

1. Petitioner is a media specialist with a business that helps individual entrepreneurs, not organizations, grow their business through positive media exposure of their proactive involvement in charitable organizations throughout the local community. Petitioner's services do not target nor concern groups, organizations, or business entities. Petitioner's services concern the enhancement of the personal media image of individual entrepreneurs who are interested in growing their business by achieving media exposure for sharing their earnings and resources with charitable organizations within the community. Petitioner's services focus on social and charitable contributions to be the "social beat" designed for growing or "igniting business."

2. Petitioner is the owner of United States Trademark Application Serial no. 77/507,190, filed June 24, 2008, on the Principal Register for the trademark **IGNITING BUSINESS WITH A SOCIAL BEAT**, covering "consulting services for individual entrepreneurs for the development of business through positive media exposure of their proactive involvement in charitable organizations; Business consultation relating to enhancement of personal media image of individual entrepreneurs; Business consultation relating to development of a service oriented business model with a focus on charitable contributions" in International Class 035 (hereinafter "Petitioner's Services"). See Exhibit A, attached hereto.

3. Registrant is the owner of record of U.S. Registration No. 3,468,426 for **IGNITING BUSINESS**, covering "business consulting services" in International Class 035 (hereinafter "Registrant's Services"). See Exhibit B, attached hereto.

4. Upon information and belief, Registrant is in the business of providing executives, entrepreneurs, and business professionals a training program that combines business principles with neuroscience and psychology to manage one's energy levels and concentration to "achieve

consistent, sustainable peak performance.” The ultimate objective of the training program is to build a spirit-based business culture. See Exhibit C, attached hereto.

5. On December 14, 2008, despite Petitioner’s efforts to distinguish the parties’ respective marks and the services offered under each, the USPTO issued a final refusal to register the **IGNITING BUSINESS WITH A SOCIAL BEAT** mark, on grounds that it is confusingly similar to Registrant’s prior registration for **IGNITING BUSINESS** in Class 035, as the cited registered covers the broad category of “business consulting services,” in Class 035.

6. Upon information and belief, Registrant’s Class 035 recitation is overly broad in that it includes “business consulting services.”

7. Upon information and belief, Registrant is not currently using the **IGNITING BUSINESS** mark in connection with “business consulting services.”

8. Registrant’s logo and website do not contain the **INGNITING BUSINESS** mark. Exhibit D, attached hereto, is a screenshot of Registrant’s website. Exhibit E, attached hereto, is a copy of Registrant’s specimen submitted with its trademark application for the **IGNITING BUSINESS** mark. It appears that the **IGNITING BUSINESS** mark has been replaced with the **SPEED TO RESULTS** mark.

9. To the extent Registrant can show that it has and does use the **IGNITING BUSINESS** mark in connection with “business consulting services,” Petitioner, upon information and belief, submits that such services are rendered within the narrow field of business training and business culture development and are not rendered to the same class of consumers or in the same channels of trade as Petitioner’s Services.

10. Petitioner is damaged and will continue to be damaged because Registrant’s continued registration of **IGNITING BUSINESS** mark covering the broad category of “business

consulting services,” in Class 035, stands as a bar to Petitioner’s ability to federally register and protect its **IGNITING BUSINESS WITH A SOCIAL BEAT** mark.

WHEREFORE, Petitioner prays that this Petition for Partial Cancellation of Registrant’s Class 035 Services be granted, resulting in an amendment to United States Trademark Registration No. 3,468,426 to include an identification of services that is more narrow and a better identification of Registrant’s actual services, and that judgment be entered against Registrant.

A check in the amount of \$300.00 is enclosed to cover the applicable filing fee. Please contact the undersigned attorney if any more fees are required.

Please direct all notices, pleadings, and process regarding this matter to:

Strategic Legal Counseling
Attn: Louis F. Teran
1055 East Colorado Blvd
Suite #500
Pasadena, CA 91106
Telephone: (818) 484-3217 x200
Facsimile: (866) 665-8877
Email: lteran@strategiclegalcounseling.com

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Teran', written over a horizontal line.

Louis F. Teran
Attorney for Petitioner

Dated: March 16, 2009

EXHIBIT A

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Igniting Business With A Social Beat

Word Mark	IGNITING BUSINESS WITH A SOCIAL BEAT
Goods and Services	IC 035. US 100 101 102. G & S: Consulting services for individual entrepreneurs for the development of business through positive media exposure of their proactive involvement in charitable organizations; Business consultation relating to enhancement of personal media image of individual entrepreneurs; Business consultation relating to development of a service oriented business model with a focus on charitable contributions
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77507190
Filing Date	June 24, 2008
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Shatanoff, Renee INDIVIDUAL UNITED STATES Apt # 220 13636 Ventura Blvd. Sherman Oaks CALIFORNIA 91423
Attorney of Record	Louis F. Teran
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BUSINESS" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT B

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IGNITING BUSINESS

Word Mark	IGNITING BUSINESS
Goods and Services	IC 035. US 100 101 102. G & S: Business consulting services. FIRST USE: 20040206. FIRST USE IN COMMERCE: 20040206
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	SHAPES-MISC Miscellaneous shaped designs
Serial Number	76617706
Filing Date	October 25, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 4, 2005
Registration Number	3468426
Registration Date	July 15, 2008
Owner	(REGISTRANT) Executive Development Architects LLC LIMITED LIABILITY CORPORATION COLORADO 1317 So. Vine Street Denver COLORADO 80210
Attorney of Record	David N Schachter

Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BUSINESS" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

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EXHIBIT C



Performance Velocity®
speed to results.®

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Igniting Leadership Accelerating Execution Delivering Peak Performance

Performance Velocity is a breakthrough human performance business that provides measurable and sustainable results for executives, entrepreneurs and business professionals.

We deliver business competencies to master in these rapidly changing times: attention, energy and resiliency. We're changing the face of business with our Executive Performance and Igniting Leadership™ programs that infuse the latest advances in neuroscience and human performance to create a new competitive business model.

Our stewardship is to build a spirit-based business that is well respected throughout the world.



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About Us

Spirit-based business is the wave of the future and understanding how to manage your energy is part of creating this new business culture.

Performance Velocity sets the standard by combining business principles with neuroscience to ignite your leadership and accelerate your execution so you will deliver your peak performance – every day!

With its breakthrough formula – **Energy** + **Thought** + **Action** = **Results** (ETA=R)[™] executives have the tool they need to achieve consistent, sustainable peak performance. This innovative approach is drawn from internal resources, accessed through your intuitive intelligence and anchored with practical knowledge. You and your staff will be fully engaged, competitive and resilient.

The strength of Performance Velocity is based upon Lisa Niederman's more than 20+ years of experience in psychology and business. Energy is the key



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Igniting Senses to Deliver Peak Performance

It's not about "thinking" your way to increased productivity. It's about igniting the senses to deliver peak performance.

Today's business environment demands that you adapt on a daily basis. The missing piece that other programs promise is what Performance Velocity delivers – we ignite leadership.

We do it with attention.
We do it with energy.
We do it with resilience.

Our signature tools – ETA=R™ and Life Force Moment® – are at the core of the next business competencies for this age.

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EXHIBIT D



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Igniting Leadership Accelerating Execution Delivering Peak Performance

Performance Velocity is a breakthrough human performance business that provides measurable and sustainable results for executives, entrepreneurs and business professionals.

We deliver business competencies to master in these rapidly changing times: attention, energy and resiliency. We're changing the face of business with our Executive Performance and Igniting Leadership™ programs that infuse the latest advances in neuroscience and human performance to create a new competitive business model.

Our stewardship is to build a spirit-based business that is well respected throughout the world.

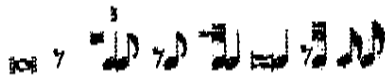


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EXHIBIT E



Performance Velocity™
igniting business.



We have entered into the **Thought Economy** where your success is defined by your ability to think and execute faster than your competition. In the Thought Economy your thoughts and attitudes drive your ideas, behavior and business results. At Performance Velocity, we teach Attitude Mastery to executives, entrepreneurs and their teams. Performance Velocity's formula, $PV(\text{Speed to Results}^{\text{TM}}) = LFM^{\text{TM}} + \text{Attitude} + \text{Execution}$, collapses the time to realize your goals and releases a velocity of performance in your business and your life.



The business playing field has been leveled. Today people readily access technology, information and markets that until recently were not available. Use of these resources has become mainstream and is no longer a dominant competitive advantage. We now stand at the entrance of the next business age, the Thought Economy. In this new playing field, your success is defined by your ability to think and execute faster than your competition.

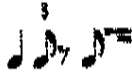
In the Thought Economy your thoughts and attitudes drive your ideas, behavior and business results. Thoughts and attitudes that are dynamic and directed are the keys to a profitable and successful business, career and life. Winners in the Thought Economy are those who can live, perform and think at exceptional energy levels. These leaders execute rapidly, inspire others with the ease of their innovative and original thinking, and are memorable for the businesses created and grown under their stewardship.

The Performance Velocity® programs teach executives and entrepreneurs to succeed at the speed of the Thought Economy. The purposeful direction of thought and attitude is the cornerstone to executing a successful performance or "plays" in business and life. PV's programs are strategic application sessions that get behavioral results into your hands fast.

The Principles of Attitude and Principles of Direction programs provide a leading advantage for successful and rapid execution in the Thought Economy.



Performance Velocity™
igniting business.



Principles of Attitude

In Principles of Attitude you learn to use the Performance Velocity (PV) formula: $PV(\text{Speed to Results}) = LFM + \text{Attitude} + \text{Execution}$. This formula collapses the time to realize your goals and releases a velocity of performance in your business.

Your Life Force Moment™ (LFM) is the most meaningful or successful moment in your life—past, present or future. You will identify your LFM during the Principles of Attitude program. The breadth of your LFM is beyond the experience of positive feelings. When ignited, the LFM energizes the direction of thought and attitude to produce effective action. Purposeful access of your LFM is a key strategy for speed to results.

Principles of Direction

Principles of Direction accelerates the pace by combining the Laws of Performance with the formula, $PV(\text{Speed to Results}) = LFM + \text{Attitude} + \text{Execution}$, to realize results in 11 specific business areas. These strategies include an innovative sales approach, a propellant for a productive day, development of innovative and original ideas, and identification of your stewardship in business and life.

Customized Programs

Performance Velocity provides customized programs for individual executives, entrepreneurs and their teams. Our Executive Advisors (EA's) are experienced executives who have not only "been there" and "done that", but also are experts in the application of the Laws of Performance in business. With this quality of experience, knowledge and wisdom, our EA's achieve speed to results effortlessly for your business.

Contact us for a free no-obligation discussion. Like others before you, you'll discover that the Performance Velocity process is Powerful, Proven and People-oriented. Access that moment; contact us now at 303.744.2464 or visit Performancevelocity.com